

## Message Text

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ACTION ORM-01

INFO OCT-01 ARA-06 ISO-00 SR-02 VO-03 INSE-00 L-03 SCA-01

SS-15 NSC-05 FBIE-00 JUSE-00 CIAE-00 INR-07 NSAE-00

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 3655

C O N F I D E N T I A L SANTIAGO 3978

EO 11652: GDS

TAGS: SREF, SHUM, CI, PINT

SUBJECT: US PAROLE PROGRAM AND GOC DETAINEE POLICY

REF: SANTIAGO 3887

1. SUMMARY: AMBASSADOR JUNE 18 FINISHED INITIAL CONSULTATIONS WITH GOC ON PAROLE PROGRAM WITH CALL ON INTERIOR MINISTER BENAVIDES, WHO DID NOT OBJECT TO US DECISION. BENAVIDES COMMENTED ON TWO SPECIAL CASES IN WHICH USG HAD EXPRESSED INTEREST: DR. HUGO BEHM AND ENRIQUE KIRBERG. HE GAVE CURRENT FIGURES ON DETAINEES THAT ARE CONSISTENT WITH OTHER STATEMENTS. END SUMMARY.

2. AMBASSADOR EXPLAINED PAROLE PROGRAM, AND BENAVIDES, THOUGH APPARENTLY SLIGHTLY DISCOMFITED BY WIDE PUBLICITY PROGRAM IS GETTING HERE, INDICATED MINISTRY'S DESIRE TO COOPERATE DIRECTLY WITH EMBASSY IN CHOOSING DETAINEES. AMBASSADOR NOTED THAT WE EXPECT TO FOLLOW EXAMPLE OF OTHER EMBASSIES IN WORKING BASICALLY THROUGH ICEM. BENAVIDES ACCEPTED POINT. AT END OF MEETING BENEAVIDES EXPRESSED PLEASURE WITH US DECISION TO BEGIN PROGRAM.

3. BENAVIDES SHOWED US FIGURES AS OF MAY 31 PREPARED BY NATIONAL SECRETARIAT OF DETAINEES (SENDET) ON PERSONS DETAINED. (SEPTTEL REPORTS ICEM BREAKDOWN OF FIGURES GIVEN IT WHICH ARE MORE RELEVANT FOR PAROLE PROGRAM.) BENAVIDES SAID GOC NOW  
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HOLDS 723 PERSONS WITHOUT CHARGE UNDER AUTHORITY OF STATE OF

SIEGE (CATEGORY I--"DETENIDOS"). OF THESE, 224 HAVE BEEN GIVEN DOCUMENTATION REQUIRED TO LEAVE CHILE; 10 ARE WAITING TO LEAVE FOR VENEZUELA, AND ANOTHER 100 WAITING FOR PANAMA. DEPARTURES ARE HELD UP BECAUSE OF DIFFICULTY IN PLACEMENT ABROAD, OR SHORTAGE OF MONEY FOR TRANSPORTATION.

4. REMAINING 389 IN CATEGORY I ARE SO "DANGEROUS" FROM SECURITY VIEWPOINT THAT FOR MOST PART THEY WILL NOT BE RELEASED. INCLUDED AMONG THEM ARE 19 SENIOR LEADERS (DAWSON ISLAND/RITOQUE GROUP) WHO ARE TOO IMPORTANT POLITICALLY TO BE RELEASED EASILY.

5. BENAVIDES SAID THERE ARE IN ADDITION 779 PERSONS IN PROCESS OF TRIAL (CATEGORY II--"PROCESADOS"), AND 2,329 WHO HAVE BEEN TRIED AND SENTENCED BY MILITARY COURTS SINCE SEPTEMBER 1973 COUP (CATEGORY III--"CONDENADOS").

6. BENAVIDES BROUGHT UP CASES OF DR. HUGO BEHM (SANTIAGO 757 AND PREVIOUS) AND ENRIQUE KIRBERG (SANTIAGO 3871 AND PREVIOUS). BENAVIDES SAID BEHM IS HELD AT TRES ALAMOS DETENTION CENTER IN SANTIAGO AND HAD PROFESSIONAL QUALIFICATIONS WHICH SHOULD ENABLE HIM TO RESETTLE ABROAD EASILY. EMBOFF NOTED THAT USG HAD RECEIVED NUMBER OF EXPRESSIONS OF INTEREST IN HIM FROM US ACADEMIC CIRCLES.

7. WITH REGARD TO KIRBERG, BENAVIDES SUMMARIZED RESULTS OF CIVIL COURT TRIAL (REF SANTIAGO 3871) AND JOB OFFER FROM COLUMBIA UNIVERSITY. SAID CASE COULD GO TO APPEALS COURT, WHERE DEFENSE LAWYERS MAY REQUEST REDUCTION IN SENTENCE, AND COULD BE FURTHER APPEALED TO SUPREME COURT. AMBASSADOR POINTED OUT THAT KIRBERG, AS COMMUNIST, WOULD NOT BE ELIGIBLE FOR PERMANENT ENTRY UNDER PAROLE PROGRAM BUT COULD BE ADMITTED FOR TEMPORARY ACADEMIC EMPLOYMENT.

8. COMMENT: BENAVIDES SEEMED INTENT ON EMPHASIZING REASON-ABLENESS OF GOC ATTITUDE TOWARD DETAINEES. EMBASSY INTERPRETS HIS INITIATIVE IN RAISING BEHM AND KIRBERG CASES AS POSSIBLE SIGNAL THEY MAY BE RELEASE SOON --I.E., BEFORE ARRIVAL OR DURING VISIT OF UN HUMAN RIGHTS COMMISSION STUDY GROUP IN JULY. -AS FAR AS EMBASSY IS AWARE, BEHM WOULD BE ELIGIBLE FOR CONFIDENTIAL

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PAROLE PROGRAM.

9. KIRBERG'S DEFENSE LAWYER TOLD EMBOFF JUNE 18 HE IS IN TOUCH WITH INTERIOR MINISTRY AND BELIEVES GOC WILL WITHDRAW CASE. HE EXPLAINED THAT JUDGE HAD ISSUED SENTENCE, BUT SENTENCE HAD NOT YET BEEN CONFIRMED. GOC MIGHT ALTERNATIVELY USE ITS INFLUENCE WITH CIVIL COURT IN FAVOR OF HAVING SENTENCE REDUCED. LAWYER SAW NO PROBLEM IN PAYING FINE, SHOULD FINE

REMAIN.  
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